

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA,)	Case No. 5:21 CR 882
)	
)	
Plaintiff,)	JUDGE DONALD C. NUGENT
-vs-)	
)	<u>MEMORANDUM OPINION</u>
JIMMIE L. WASHINGTON,)	<u>AND ORDER</u>
)	
Defendant.)	

This case is before the Court on Defendant, Jimmie L. Washington's Request to Amend his Current Title 18 [sic], Section 2255 Motion." (ECF # 63). Mr. Washington previously filed a §2255 motion to vacate on June 23, 2023, which was denied. (ECF #50, 61). This is, therefore, not a motion to amend, but rather a second petition for relief under §2255. Section 2255 provides that:

A second or successive motion must be certified as provided in section 2244 by a panel of the appropriate court of appeals to contain —

(1) newly discovered evidence that, if proven and viewed in light of the evidence as a whole, would be sufficient to establish by clear and convincing evidence that no reasonable factfinder would have found the movant guilty of the offense; or

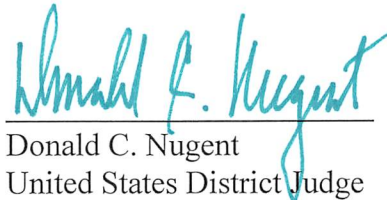
(2) a new rule of constitutional law, made retroactive to cases on collateral review by the Supreme Court, that was previously unavailable.

See 28 U.S.C. § 2255(h).

Although subsequent motions which are based on events that transpired after the initial petition was filed may not be considered successive under this statute, Mr. Washington has cited no new events or defects that would permit a second motion to be considered without certification by the Sixth Circuit Court of Appeals. Further, he has cited no newly discovered evidence or new rule of constitutional law that would support certification. Because Mr. Washington has failed to receive authorization from the Sixth Circuit to file this successive § 2255 motion, the motion may not be reviewed by the Court at this juncture. Therefore, the Clerk of Court is directed to transfer Mr. Washington's instant motion to the Sixth Circuit Court of Appeals pursuant to *In re Sims*, 111 F.3d 45, 47 (6th Cir. 1997).

IT IS SO ORDERED.

Date: May 29, 2023


Donald C. Nugent
United States District Judge